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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,563	05/30/2000	Kevin Peter Picott	1252.1051	1726

.21171 7590 05/25/2005

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EXAMINER
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GOOD JOHNSON, MOTILEWA

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/580,563	<b>Applicant(s)</b> PICOTT, KEVIN PETER	
	<b>Examiner</b> Motilewa A. Good-Johnson	<b>Art Unit</b> 2675	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17,18,21 and 22 is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8,19,20 and 23-26 is/are rejected.
- 7) ☒ Claim(s) 9-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is responsive to the following communications:  
Amendment, filed 02/25/2005.
2. Claims 1-3 and 5-25 are pending in this application. Claims 1, 17 and 19-25 are independent claims.
3. The present title of the application is "System for passing algorithms with polymorphic parameter sets in a dependency graph of a graphics creation process" (as originally filed).

### ***Continued Examination Under 37 CFR 1.114***

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/25/2005 has been entered.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been

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obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5-8, 19-20 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Getzinger, U.S. Patent Number 4,972,314 in view of Bianchini, U.S. Patent 5,684,807.

Regarding claim 1, Getzinger discloses a method, comprising: evaluating a dependency graph of a graphics creation process using a computer (col. 4, lines 63-67), comprising: passing a pointer to an algorithm associated with a first dependency node to a second dependency node (col. 9, lines 41-45)

However, it is noted that Getzinger fails to disclose allowing the second dependency node to execute the algorithm; and executing the algorithm as a part of an evaluation of the second dependency node to implement the graphics creation process.

Bianchini discloses a diagnostic system for a network of nodes including a text assignment (col. 7, lines 1-13). Bianchini further discloses allowing the second dependency node to execute the algorithm; and executing the algorithm as a part of an evaluation of the second dependency node (col. 6, lines 16-47)

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the algorithm of Getzinger, executing the algorithm as part of the evaluation of the second node, as disclosed in Bianchini, to perform diagnostic testing of the nodes before execution of the nodes with real input data to locate faulty nodes.

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Regarding claim 2, Bianchini discloses algorithm comprises a self-evaluating data structure (table 6 and 7)

Regarding claim 3, Getzinger discloses algorithm comprises an algorithm having a defined set and type of inputs and outputs (col. 9, lines 41-42)

Regarding claim 5, Getzinger discloses structure comprises an algorithm calling method (col. 36, lines 13-17)

Regarding claim 6, Getzinger discloses evaluating comprises determining a type of a passed parameter (col. 10, lines 22-28)

Regarding claim 7, Getzinger discloses the algorithm parameter types are identified dynamically as the dependency graph is executed (table VIII)

Regarding claim 8, Bianchini discloses wherein the data structure contains information describing a set of input and output parameters the algorithm accepts (table 1)

As per independent claims 19-20, they are rejected based upon similar rational as above independent claim 1.

As per independent claim 23-26, they are rejected based upon similar rational as above independent claim 1.

### ***Allowable Subject Matter***

7. Claims 17, 18, 21 and 22 are allowed.

8. Claims 9-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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9. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited fails to render obvious a first and second algorithm, and describing a set of information the input and output parameters the algorithm accepts.

***Response to Arguments***

10. Applicant's arguments, see page 7-8, filed 02/25/2005, with respect to the rejection(s) of claim(s) 1-26 under 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Getzinger in view of Bianchini.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa A. Good-Johnson whose telephone number is (571) 272-7658. The examiner can normally be reached on Monday, Tuesday and Thursday 9:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Motilewa A. Good-Johnson  
Examiner  
Art Unit 2675

mgj



**SUMATI LEFKOWITZ**  
SUPERVISORY PATENT EXAMINER